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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bradley et al.
Serial No. : 09/839,658
Filed : April 19, 2001
Title : NOVEL COMPOSITIONS AND METHODS FOR ARRAY-BASED NUCLEIC ACID HYBRIDIZATION

Art Unit : 1637
Examiner : Teresa E. Strzelecka

Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

RESPONSE AND AMENDMENT

Responsive to the non-final Office Action mailed August 19, 2002 (hereinafter "Office Action"), Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. A response was initially due on November 19, 2002. A Petition for a Two-month Extension of Time is submitted herewith, extending the time to reply up to and including January 21, 2003, due to the intervening weekend and holiday. Accordingly, this Response is timely filed.

The following documents are also enclosed herewith:

- Transmittal letter and Petition for Two-month Extension of Time;
- Check for $205.00 for extension fee; and
- Postcard.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

January 21, 2003
Date of Deposit

Jeanne Amour Rice
Signature

Jeanne Amour-Rice
Typed or Printed Name of Person Signing Certificate

AMENDMENT

Please amend the application as follows:

In the claims:

Please cancel claims 18-66, without prejudice.

Please replace claims 7-11 and 17 with amended claims 7-11 and 17.

-- 7. (Amended) The method of claim 1, wherein the sample of target genomic nucleic acid is prepared using a procedure selected from the group consisting of random priming, nick translation, and amplification of a sample of genomic nucleic acid to generate segments of target genomic nucleic acid; followed by a step comprising fragmentation or enzymatic digestion, or both, of the segments to generate a sample of target genomic nucleic acid consisting of sizes smaller than about 200 bases.

8. (Amended) The method of claim 7, wherein the random priming, nick translation, or amplification of the sample of genomic nucleic acid to generate segments of target genomic nucleic acid incorporates detectably labeled base pairs into the segments.

9. (Amended) The method of claim 8, wherein the detectable label comprises Cy3™ or Cy5™.

10. (Amended) The method of claim 1, wherein the sample of target genomic nucleic acid is prepared using a procedure comprising fragmentation of a genomic DNA to sizes smaller than about 200 bases by DNase enzyme digestion of the segments.

11. (Amended) The method of claim 1, wherein the sample of target genomic nucleic acid is prepared using a procedure comprising fragmentation of a genomic DNA to sizes smaller than about 200 bases by applying shearing forces sufficient to fragment genomic DNA followed by DNase enzyme digestion of the sheared DNA.